

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS**

In re: Testosterone Replacement)	Case No. 14 C 1748
Therapy Products Liability Litigation)	MDL No. 2545
)	
<u>This document relates to all cases</u>)	

CASE MANAGEMENT ORDER NO. 10 (ESI production format)

The Court has reviewed the parties' submissions regarding the format for production of electronically stored information (ESI). In general terms, plaintiffs request production of all ESI in "native" format, and defendants propose production of most documents in tagged image file format (TIFF), with some types of materials to be produced in native format. Defendants' proposal for TIFF-format production also includes some additional specifications, which are described in the parties submissions and need not be detailed here.

The Court approves defendants' proposal for TIFF-format production. The Court is persuaded that defendants' proposal will provide plaintiffs with materials that are reasonably usable and likely superior to native-format for the reasons defendants describe, and is unpersuaded by plaintiffs' contention that they will be disadvantaged or that significant information will be lost or unavailable under defendants' proposal.

The Court is quite concerned, however, that the process of determining the production format has already extended beyond what is reasonable, a delay for which the Court accepts at least partial responsibility. The Court directs modification of the defendants' proposed ESI protocol to shorten the time for defendants to provide their initial list of key custodians to 21 days from the date of the upcoming case management conference, in other words, by 11/14/2014. (Defendants' proposal for a 45 day period is unreasonably long even without the delays that have occurred to date.) Defendants' liaison counsel is directed to promptly send a revised version of defendants' proposed ESI protocol order to the undersigned judge's proposed order e-mail address, by no later than the close of business today (10/21/2014).



MATTHEW F. KENNELLY
United States District Judge

Date: 10/21/2014